

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MANUEL FERNANDEZ,

Plaintiff,

ORDER

-against-

17 Civ. 3595 (JCM)

KISCO EXPRESS SERVICE, INC. d/b/a KES TAXI
DISPATCH and MIGUEL A. DUARTE, individually,

Defendants.
-----X

Plaintiff Manuel Fernandez commenced this action to recover unpaid overtime compensation under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*, and the New York Labor Law (“NYLL”) §190, *et seq.* (Docket No. 1). Plaintiff also alleges Defendants violated the Wage Theft Protection Act for failing to provide written notice of wage rates. *Id.* Defendants deny these allegations. (Docket No. 4). The parties now seek the Court’s approval of their Settlement Agreement (“Agreement”), which the parties contend is a reasonable compromise of the contested issues.¹ (Docket No. 41).

After lengthy negotiations, the parties reached an agreement to resolve the case on the eve of trial. The settlement is the product of extensive arm’s-length negotiations between able counsel. Based on my knowledge of the facts of this case and my consideration of the parties’ joint letter in support of the Agreement, which contains the documentation supporting the reasonableness of the attorneys’ fees and costs and the terms of the parties’ proposed Agreement, (Docket No. 41), I find that the Agreement is a fair and reasonable resolution of the case. *See*


¹ Counsel for the parties have consented to jurisdiction of the undersigned over this matter for all purposes pursuant to 28 U.S.C. § 636(c). (Docket No. 14).

Johnson v. Brennan, No. 10 Civ. 4712(CM), 2011 WL 4357376, at *12 (S.D.N.Y. Sept. 16, 2011) (“If the proposed settlement reflects a reasonable compromise over contested issues, the court should approve the settlement.”) (citations omitted). Accordingly, the Court approves the settlement and dismisses this action with prejudice. The Court will retain jurisdiction over this matter until December 24, 2019.

The Clerk is respectfully requested to close the case.

Dated: July 3, 2018
White Plains, New York

SO ORDERED:



JUDITH C. McCARTHY
United States Magistrate Judge